

For the Northern District of California

JOSE BALTAZAR ORTIZ, ) No. C 10-04624 JF (PR)  
Petitioner, )  
vs. ) ORDER OF DISMISSAL  
M. D. McDONALD, )  
Respondent. )

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Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his state conviction. It is clear from the contents of the petition that it pertains to a previously opened habeas action under Case No. C 05-03067 JF (PR). Accordingly, this case is DISMISSED as being opened in error.

The Clerk shall file all documents in this action into Case No. C 05-03067 JF (PR), terminate all pending motions, and close this action.

IT IS SO ORDERED.

DATED: 2/4/11

  
JEREMY FOGEL  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JOSE BALTAZAR ORTIZ,

Case Number: CV10-04624 JF

Petitioner,

**CERTIFICATE OF SERVICE**

v.

M. D. MCDONALD,

Respondent.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 2/17/11, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jose Baltazar Ortiz T-58897  
High Desert State Prison  
P.O. Box 3030  
Susanville, CA 96127

Dated: 2/17/11

Richard W. Wieking, Clerk